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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,853	05/22/2001	Gary Jensen	AGI2-PT002.1	8372
3624	7590	11/23/2005	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			JOHNSON, BLAIR M	
			ART UNIT	PAPER NUMBER
			3634	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/862,853
Filing Date: May 22, 2001
Appellant(s): JENSEN ET AL.

C. Frederick Koenig III
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/6/04 appealing from the Office action
mailed 4/9/04.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of the invention

The summary of the invention contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Grouping of claims

The grouping of claims is acknowledged.

(8) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

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Claims 1,3 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ralph (US patent No. 1,116,484).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralph (US patent No. 1,116,484). Note: in the rejection of 4/9/04, claims 1 and 3-6 were rejected under section 103(a). However, since claims 1,3 and 6 are rejected under section 102(b), the rejection of these claims under 103(a) is not necessary and will not be included in the appeal process.

(10) Response to Argument

Appellant argues that the product sample is mounted on panel 24 in Ralph and does not maintain the selected spacing between the upper and lower pins 29. However, it is noted in the appealed action that panel 24 has been identified as the product sample and it is made of "pulp-board", Ralph, page 2, line 6, which clearly is rigid, hence the term "board". It is noted that the frame 22 is also rigid. Furthermore, the term "product samples" is a broad term that neither has any specific meaning nor defines any specific structure. For example, the product sample being displayed in Ralph could be the frame 22 and panel 24. The panel 24 and/or the frame are clearly "product samples", particularly if frames and/or pulp board are the samples. Further, even if read more restrictably, once strips of (wall) paper are attached to board 24, Ralph, page 2, lines 6-9, the wall paper product samples are rigid. Even without the frame, it can easily be said that the board 24 "maintains a selected spacing of the upper and lower pins", claim 1, since it is clearly rigid enough to contribute to the structural rigidity of the framed unit. Appellant also argues that the product sample is not "secured to" the corner members

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25. However, this is not claimed. What is claimed is that the hinge member has "opposed portions between which the upper edge portion of the product sample is secured". The sample, as interpreted above, is clearly secured between the opposed portions of Ralph's hinge members 25. Another view encompassed by the Ralph rejection involves the upper and lower hinge members being defined by the respective frame elements 22, which have opposed portions that are secured to product sample 24, (see Fig. 11), and corner members 25.

Note that Appellant's arguments pertaining to the 103 rejection are an exact duplicate of the arguments directed to the 102 rejection, which are addressed above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Blair M. Johnson

Conferees:

Richard Chilcot

Peter Cöumo

